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SECOND SIGHT MEDICAL PRODUCTS, INC.
12744 SAN FERNANDO ROAD BUILDING 3
SYLMAR CA 91342

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OFFICE OF PETITIONS

In re Application of :
Ok et al. :
Application No. 09/761,270 :
Filed: January 16, 2001 :
Attorney Docket No. S125-USA :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 9, 2006, to revive the above-identified application.

On October 8, 2003, the Office mailed a Notice of Allowance and Fee(s) Due, which set a three-month statutory period for reply. In the absence of a timely filed response, the application became abandoned on January 9, 2004. On February 10, 2004, the Office mailed a Notice of Abandonment.

Petitioner has met the requirements of 37 CFR 1.137(b) to revive this application. Petitioner submitted a reply in the form of payment of the issue fee and the publication fee, made the appropriate statement of unintentional delay, and paid the petition fee. Accordingly, the petition is granted.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that an inquiry has not been made, petitioner must make such an inquiry. If the inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

This matter is being referred to the Office of Patent Publication.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the issuance of a patent should be directed to the Office of Patent Publication Customer Service at (571) 272-4200.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions